



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

October 9, 2009

Ida McDonnell, CAP
USEPA Region 1
1 Congress Street –Suite 1100
Boston, Massachusetts 02114-2023

Re: FINAL OPERATING PERMIT
Appl. #1-O-06-055; Trans. # W110151

At: Granby Landfill
11 New Ludlow Road
Granby, MA 01033

Dear Ms. McDonnell:

In accordance with 310 CMR 7.00 – APPENDIX C (6) of the Air Pollution Control Regulations ("the Regulations"), the Department of Environmental Protection ("MassDEP") is forwarding to EPA the attached Final Operating Permit Renewal for the Holyoke Sanitary Landfill, Inc., facility located on 11 New Ludlow Road in Granby, Massachusetts.

Public notice of the Draft Operating Permit was published by MassDEP in the Springfield Union News / Sunday Republican on May 20, 2009 and in the Environmental Monitor on May 20, 2009, in accordance with the requirements of 310 CMR 7.00: Appendix C. As such, the public comment period ended on June 19, 2009. During that period, no public hearing was requested pursuant to 310 CMR 7.00: Appendix C (6)(f). Several minor comments were received from MassDEP, which were incorporated into the Proposed Operating Permit.

On June 23, 2009 MassDEP forwarded to EPA Region 1, via electronic mail, the Proposed Operating Permit for this facility. EPA did not object or comment on the Proposed Operating Permit, nor did EPA receive a petition to object to the Proposed Operating Permit within the regulatory deadlines. Therefore, MassDEP is issuing the Final Operating Permit.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

The attached Final Operating Permit contains all of the federal and state air pollution control requirements, to which the facility is subject, and the terms and conditions for compliance with such applicable requirements.

If you have any questions concerning this Final Operating Permit, please contact Todd Wheeler at (413) 755-2297.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Marc Simpson
Permit Chief
Western Region

THW/thw

cc; Christopher DeSantis, Area Vice President
Holyoke Sanitary Landfill, Inc.
600 New Ludlow Road
South Hadley, MA 01075

Ecc: Ida McDonnell, EPA - Region I
Karen Regas, MassDEP, Boston
Yi Tian, MassDEP, Boston
Roberta Baker, MassDEP, WERO
Peter Czapienski, MassDEP, WERO



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AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

Holyoke Sanitary Landfill, Inc.
600 New Ludlow Road
South Hadley, MA 01075

INFORMATION RELIED UPON:

Application No. 1-O-06-055
Transmittal No. W110151

FACILITY LOCATION:

Granby Landfill
11 New Ludlow Road
Granby, MA 01033

FACILITY IDENTIFYING NUMBERS:

AQ ID: 0420234
FMF FAC NO.: 271108
FMF RO NO.: 271111

NATURE OF BUSINESS:

Sanitary Landfill

STANDARD INDUSTRIAL CODE (SIC): 4953

**NORTH AMERICAN INDUSTRIAL
CODE (NAICS): 562212**

RESPONSIBLE OFFICIAL:

Name: Christopher DeSantis
Title: Area Vice President

FACILITY CONTACT PERSON:

Name: Thomas Heaton
Title: Environmental Protection Manager
Phone: 413-534-8741
Email: theaton@wm.com

This operating permit shall expire on October 9, 2014

For the Department of Environmental Protection, Bureau of Waste Prevention

Michael Gorski, Regional Director
Department of Environmental Protection
Western Regional Office

October 9, 2014

Date



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SPECIAL CONDITIONS FOR OPERATING PERMIT

A Legend to Abbreviated Terms found in the following Tables is located in Section 28 of the Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00:Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS

Holyoke Sanitary Landfill, Inc. – Granby Landfill, located at 11 New Ludlow Road, Granby, is a privately owned sanitary landfill facility classified under standard industrial code (SIC) 4953 –Refuse Systems. The landfill complex has a footprint of approximately 50 acres which has been developed in five phases and a vertical expansion. Phases 1, 2 and 3 are unlined while Phases 4, Phase 5 and the vertical expansion are lined. Phases 1 through 5 are closed to solid waste disposal and are capped. A vertical expansion of Phases 1-5 is currently under construction and operation. The vertical expansion includes 5 stages (stages 1A, 1B, 2, 3 and 4). Construction of stages 1A, 1B and 2 have been completed and have been or are open waste filling. The northern sideslope of Stage 1A and the northern, eastern, and southern sideslopes of Stage 1B (i.e. Closure Area 1) is closed to solid waste disposal and is capped.

Due to its size the landfill is subject to the New Source Performance Standards for Landfills (40 CFR 60 Subpart WWW). The latest NMOC calculations, in accordance with the NSPS and based on Tier 2 testing conducted on November 3, 2006, indicated that the 2008 NMOC emissions are less than 50 Mg/yr. Upon meeting or exceeding the NMOC emission rate of 50 Mg/yr, the landfill will also become subject to the National Emission Standards for HAPs for municipal solid waste landfills (40 CFR 63 Subpart AAAAA).

A comprehensive Landfill Gas (LFG) collection system is in place throughout all areas of the Landfill. LFG is currently collected by an existing system of extraction wells, lateral and header pipes, vacuum blowers and ancillary equipment. In 1997 MassDEP approved the installation of the 1500scfm Perennial Corp. Enclosed Flare. In December 2000, MassDEP issued a Conditional Approval (1-B-00-027, Transmittal No. 105796) for the installation of the first four (4) of eight (8) total Caterpillar reciprocating internal combustion engines (RICE) for the destruction of methane and non-methane organic compounds in the LFG. Each engine is rated at 5.05 MMBtu/hr of heat input (based on 50% methane content) and can produce up to 415kW of electrical output. The RICE are fired by the LFG only, there is no back up fuel source. Each engine is designed to consume about nine million cubic feet of LFG per month. The existing flare is now maintained as a back up to the RICE. It will not run when the engines are in operation.

Table 1 lists the equipment (emission units or EUs) subject to this Operating Permit. Table 2 describes the exempt activities that are not mentioned further in the Operating Permit. Tables 3, 4, 5 and 6 describe the applicable requirements that the EUs are subject to in the Operating Permit.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU#)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 1	Landfill	3,688,213 Mg	One (1) Enclosed Flare

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

The permittee is subject to the emission limits/restrictions as contained in Table 3 below:

Table 3					
EU #	Fuel	Restrictions	Pollutant	Emissions Limit/Standards ⁽¹⁾	Applicable Regulation and/or (Approval No.)
EU 1 ⁽³⁾	Landfill gas fired enclosed flare	Combustion Chamber exit temperature >1400 °F Residence time 0.60 seconds	SO ₂	0.9 lb/hr, 3.9 tpy	Approval No. 1-P-97-003 (3/2/00)
			NO _x	2.7 lb/hr, 11.8 tpy	Approval No. 1-P-97-003 (3/2/00)
			CO	6.8 lb/hr, 29.64 tpy	Approval No. 1-P-97-003 (3/2/00)
			NMOC ⁽²⁾	1.44 lb/hr, 6.3 tpy	Approval No. 1-P-97-003 (3/2/00)
			NMOC ⁽⁴⁾	97.3% destruction ⁽⁵⁾ or 20ppmvd (@ 3% O ₂) as Hexane	Approval No. 1-P-97-003 (3/2/00)
			Opacity	≤ 20% except 20 to ≤ 40% for ≤ 2 minutes during any one hour	310 CMR 7.06 (1) (b)

Table 3 Notes:

- (1) Emission limits expressed as pounds per hour (lb/hr) are based on a one-hour average, and those expressed as tons per year (tpy) are based on a rolling 12 month total.
- (2) NMOC is Non-Methane Organic Compounds measured as Hexane.
- (3) The landfill is subject to 40 CFR Part 60, Subpart WWW.
- (4) Tier 2 testing conducted on November 3, 2006, indicated that NMOC emissions are less than 50 Mg/yr. Upon meeting or exceeding the NMOC emission rate of 50 Mg/yr, the landfill will also become subject to the National Emission Standards for HAPs for municipal solid waste landfills (40 CFR 63 Subpart AAAA).
- (5) Based on results of 1998 compliance emissions testing.

B. COMPLIANCE DEMONSTRATION

The permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00 Appendix C (9) and (10) and applicable requirements contained in Table 3:

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU 1	(1) In accordance with 40 CFR 60 Subpart WWW, Holyoke Sanitary Landfill, Inc. shall determine the non-methane organic compound (NMOC) concentration in accordance with the procedure described under 60.754(a)(3) and determine the NMOC mass emission rate in accordance with 60.754(a)(3)(i) (or other alternative methodology approved by MassDEP). If the NMOC emission rate is less than 50 megagrams per year the permittee may retest the site specific NMOC concentration every 5 years.
	(2) In accordance with Approval No. 1-P-97-003 (3/2/00), Holyoke Sanitary Landfill, Inc. shall operate a temperature recorder to continuously verify combustion chamber exit greater than or equal to 1400 °F.
	(3) In accordance with Approval No. 1-P-97-003 (3/2/00), Holyoke Sanitary Landfill, Inc. shall perform any testing deemed necessary, at the request of MassDEP, to determine compliance with said Approvals or any Massachusetts or U.S. EPA Regulations.
Facility-wide	(4) In accordance with 310 CMR 7.13, Holyoke Sanitary Landfill, Inc. shall conduct stack testing, upon written request of MassDEP, for any air contaminant for which MassDEP has determined testing is necessary, to ascertain compliance with MassDEP regulations or design approval provisos. All such testing shall be conducted in accordance with 310 CMR 7.13 (1) and (2), and in accordance with the applicable procedures specified in 40 CFR 60 Appendix A or other method(s) if approved by MassDEP and EPA.
	(5) Emissions Compliance Testing (Stack Testing), conducted pursuant to Table 4 item 4 above, shall be performed in accordance with 310 CMR 7.13, and 40 CFR Part 60 Appendix A (Method 7E for oxides of nitrogen (NOX), Method 6C for sulfur dioxide (SO ₂), Method 10 for carbon monoxide (CO), Methods 1 thru 5 for particulate matter (PM), Method 3A for oxygen (O ₂), Method 9 for opacity (including detached plumes), Method 25, 25C or Method 18 must be used to determine compliance with NMOC emission limits unless another method to determine compliance has been approved by MassDEP). If the outlet concentration is less than 50 ppm NMOC as carbon (8 ppm NMOC as hexane), Method 25A shall be used in place of Method 25. Prior to Stack Testing, appropriate testing ports shall be constructed so as to accommodate the requirements stipulated in 40 CFR Part 60, Appendix A.
	(6) Holyoke Sanitary Landfill, Inc. shall monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR.



Table 5

EU#	RECORD KEEPING REQUIREMENTS
EU 1	(1) In accordance with Approval No. 1-P-97-003 (3/2/00), Holyoke Sanitary Landfill, Inc. shall maintain a record of routine maintenance activities performed on the emission unit control and monitoring equipment including, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed. These records shall be kept on site for five years and shall be made available to MassDEP personnel upon request.
	(2) In accordance with Approval No. 1-P-97-003 (3/2/00), Holyoke Sanitary Landfill, Inc. shall maintain a record of all malfunctions on emission control and monitoring equipment which shall include, at a minimum, the date and time the malfunctions occurred, a description of the malfunctions and the corrective action taken, the date and time corrective actions were initiated, and the date and time corrective actions were completed and the unit returned to compliance. These records shall be kept on site for five years and shall be made available to MassDEP personnel upon request.
	(3) In accordance with Approval No. 1-P-97-003 (3/2/00), Holyoke Sanitary Landfill, Inc. shall maintain a record of the flare operating temperature. This record shall be kept on site for five years and shall be made available to MassDEP personnel upon request.
Facility-wide	(4) In accordance with 310 CMR 7.00 Appendix C(10)(b), maintain records on-site (which includes the South Hadley Office), including records of all monitoring data and supporting information, for a period of at least five (5) years from the date of the monitoring sample, measurement, report or initial operating permit application. Supporting information includes at a minimum, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, and copies of all reports required by the operating permit, and any other information required to interpret the monitoring data. Records required to be maintained shall include, where applicable: <ol style="list-style-type: none"> 1. The date, place as defined in the permit, and time of sampling or measurements; 2. The date(s) analyses were performed; 3. The company or entity that performed the analyses; 4. The analytical techniques or methods used; 5. The results of such analyses; and 6. The operating conditions as existing at the time of sampling or measurement Records shall be readily available to the MassDEP and EPA personnel
	(5) In accordance with 310 CMR 7.12(4), upon verification of the information required by 310 CMR 7.12(3), the Department will review the supplied information. All such emissions data shall be available to the public during normal working hours at MassDEP's offices and at such other offices as MassDEP may specify.
	(6) Per 40 CFR 60.757(b), submit an annual emission report to the Administrator, except as provided for in 40 CFR 60.757(b)(1)(ii) or (b)3; and recalculate the NMOC emission rate annually using the procedures specified in 40 CFR 60.754(a)(3)(i) (or other alternative methodology) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed. If the NMOC emission rate is equal to or greater than 50 megagrams per year, the facility may determine the site-specific methane generation rate constant and recalculate the NMOC emission rate using the procedures specified in 40 CFR 60.754.(a)(4).
	(7) Maintain copies of Source Registration/Emission Statement Form and other information supplied to the department to comply with 310 CMR 7.12. Copies of the submitted forms shall be kept on-site for five years in accordance with 310 CMR 7.12(3)(b).

Table 6	
EU#	REPORTING REQUIREMENTS
Facility-wide	(1) In accordance with 310 CMR 7.12(2), Holyoke Sanitary Landfill, Inc. shall submit a Source Registration/Emission Statement form to MassDEP on an annual basis.
	(2) In accordance with 310 CMR 7.00 Appendix C(10)(c), submit to MassDEP two summaries (one by January 31 for the time period July-December of the previous calendar year, and the other by July 31 for the time period January-June of the current calendar year) of all monitoring data and related supporting information. The summaries shall correspond to items in Table 4 of this Operating Permit and shall include, at a minimum, the lowest landfill flare combustion temperature, the highest opacity for the landfill flare.
	(3) In accordance with 310 CMR 7.13(1)(d), Holyoke Sanitary Landfill, Inc. shall submit to MassDEP any stack test results for any air contaminant obtained from stack testing required by MassDEP within such time as agreed to in the approved test protocol.
	(4) In accordance with 310 CMR 7.00 Appendix C(5)(b)9., submit annually, from the date of issuance, a certification that the facility is maintaining the required records to assure the facility is in compliance with the applicable requirements designated in this permit. (See Provision 10 in "GENERAL CONDITIONS FOR OPERATING PERMIT")
	(5) In accordance with 310 CMR 7.00 Appendix C(10)(a), Holyoke Sanitary Landfill, Inc. shall submit to MassDEP any record relevant to this operating permit or to the emissions of any air contaminant from the facility within 30 days of the request by MassDEP or EPA.
	(6) In accordance with 310 CMR 7.00 Appendix C(10)(f), Holyoke Sanitary Landfill, Inc. shall promptly report to MassDEP's Regional Bureau of Waste Prevention all instances of deviations from permit requirements, by telephone or fax, within 3 days of discovery of such deviation followed by a written report within ten (10) days of discovery. This report shall include the deviation itself, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Deviations are instances where any permit condition is violated and has not already been reported as an emergency pursuant to section 24 of this permit. Deviations shall also be reported in writing in the semi-annual compliance reports.
	(7) In accordance with 40 CFR Part 60 Subpart WWW (60.752(b)(1)(i)), Holyoke Sanitary Landfill, Inc. shall submit an annual emission report to the Administrator, except as provided for in 40 CFR 60.757(b)(1)(ii). In accordance with 40 CFR Part 60 Subpart WWW (60.752(b)(1)(ii)), Holyoke Sanitary Landfill, Inc. shall recalculate the NMOC emission rate annually using the procedures specified in 40 CFR 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.

Table 6 Notes:

- (1) The annual Source Registration/Emission Statement report shall be submitted to the DEP office specified in the instructions. All other reports are to be submitted to the Western Regional Office address, as specified on the letterhead of this Operating Permit.

C. GENERAL APPLICABLE REQUIREMENTS

The permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The permittee is currently not subject to the following requirements:

Table 7	
REGULATION	DESCRIPTION / REASON
310 CMR 7.16: Reduction of Single Occupant Commuter Vehicle Use	N/A - Facility employs fewer than 250 people
42 U.S.C. 7401, § 112(r): Prevention of Accidental Releases	N/A - Facility does not store, use or process any of the listed compounds in quantities greater than thresholds.
310 CMR 7.25: Consumer and Commercial Products	N/A
40 CFR Part 64, Compliance Assurance Monitoring	N/A – Facility has no Emission Units subject to CAM.

5. SPECIAL TERMS AND CONDITIONS

The permittee is subject to the following special provisions that are not contained in Table 3, 4, 5, and 6:

Table 8.	
SPECIAL TERMS AND CONDITIONS	
EU 1	(1) Holyoke Sanitary Landfill, Inc. is subject to, and has stated in their operating permit application, Transmittal #133581, that they are in compliance with the requirements of 40 CFR 82:Protection of Stratospheric Ozone. These requirements are applicable to this facility and the United States Environmental Protection Agency enforces these requirements.
	(2) In accordance with Approval No. 1-P-97-003 (3/2/00), Holyoke Sanitary Landfill, Inc. shall maintain a minimum combustion chamber temperature of 1400 °F in the enclosed flare.
	(3) In accordance with Approval No. 1-P-97-003 (3/2/00), Holyoke Sanitary Landfill, Inc. shall maintain a minimum combustion chamber gas residence time of 0.6 seconds.
	(4) In accordance with Approval No. 1-O-01-005 (6/25/02), Holyoke Sanitary Landfill, Inc. shall operate the flare at all times when the collected landfill gas is routed to the flare.
	(5) In accordance with 40 CFR 60 Subpart WWW (Landfill NSPS), within 12-months of the landfill meeting or exceeding the 50 Mg per year NMOC threshold, the Permittee shall submit to the <u>Administrator</u> a collection and control system design plan prepared by a professional engineer. Within 30 months the Permittee shall install a collection and control system that captures the gas generated within the landfill in accordance with 40 CFR 60 Subpart WWW.
	(6) In accordance with 40 CFR 63, Subpart AAAA (Landfill MACT), when the landfill meets or exceeds the 50 Mg per year NMOC threshold, the facility shall be subject to and be in compliance with all applicable requirements.
	(7) In accordance with 310 CMR 7.10, Holyoke Sanitary Landfill, Inc. shall not cause or allow emissions of sound of sufficient intensity and/or duration as to cause or contribute to a condition of air pollution. (State enforceable only)
	(8) In accordance with 310 CMR 7.09, Holyoke Sanitary Landfill, Inc. shall not cause or allow emissions of odor or dust that cause or contribute to a condition of air pollution. (State enforceable only)

6. ALTERNATIVE OPERATING SCENARIOS

The permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

(a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

(b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site,

<http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 31 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the MassDEP to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 31 and July 31 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;

- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) The MassDEP has determined that the permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA.

Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. The MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall furnish to the MassDEP copies of records that the permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- (a) enter upon the permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The permittee shall have available at the facility, at all times, a copy of the materials listed under 310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response, immediate notification to the appropriate parties should be made as required by law.

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts MassDEP of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>. This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

(a) Administrative Amendments - The permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).

(b) Minor Modifications - The permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).

(c) Significant Modifications - The permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).

(d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

*Not all abbreviations are present in every Operating Permit

< - Less Than

> - Greater Than

#/hr - Pounds Per Hour

10⁶ BTU/hr - 1,000,000 BTU Per Hour

AOS – Alternative Operating Scenario

AQCR - Air Quality Control Region

CEM - Continuous Emission Monitor

CO - Carbon Monoxide

EPA - Environmental Protection Agency

FMF FAC. NO. - Facility Master File Number

FMF RO NO. - Facility Master File Regulated Object Number

FT³/day - Cubic Feet Per Day

HHV - Higher Heating Value

ISO - Represent 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level

MassDEP - Massachusetts Department of Environmental Protection

MMBTU/hr - Million British Thermal Units Per Hour

NH₃ - Ammonia

NO_x - Nitrogen Oxides

PB - Lead

PLT ID - Plant Identification

PM - Particulate Matter

PPM - Parts Per Million

PTE - Potential To Emit

SO₂ - Sulfur Dioxide

TPY - Tons Per Year

VOC - Volatile Organic Compound